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September 12, 2023

**VIA ECF**

Honorable Sarah L. Cave  
United States Magistrate Judge  
United States District Court for  
The Southern District of New York  
500 Pearl Street, Room 1670  
New York, New York 10007-1312

Defendant's request at ECF No. 756 is GRANTED.

The Clerk of Court is respectfully directed to close ECF No. 756.

SO ORDERED. 9/13/2023

  
SARAH L. CAVE  
United States Magistrate Judge

Re: *Monterey Bay Military Housing LLC, et al. v. Ambac Assurance Corporation, et al.*,  
No. 19-cv-09193 (PGG) (SLC)

Dear Judge Cave:

We write on behalf of Defendant Ambac Assurance Corporation (“Ambac”) to request an order permitting disclosure of “Protected Materials,” as defined by the Protective Order in this case, to Messrs. Paul Cramer and Jesse Barrera—the Army and the Air Force’s 30(b)(6) representatives, respectively—and to additional counsel for the Army and Air Force (the “Military”) as necessary. *See* Protective Order § 2.14, ECF No. 135.

The Court’s August 1, 2023 Order granting in part and denying in part Defendants’ motions to compel the Military to proffer Rule 30(b)(6) witnesses directed Defendants to “provide to counsel for the [Military] a set of exhibits about which the witness[es] may be questioned” “[n]o later than two weeks before each respective Rule 30(b)(6) deposition.” Order ¶ 2(e), ECF No. 733. The Army and Air Force 30(b)(6) depositions have been scheduled for September 27 and 28, respectively. Pursuant to the Court’s order, Defendants are considering sending certain exhibits that have been designated by various producing parties as Protected Material under the Protective Order to Assistant U.S. Attorney Zachary Bannon in the coming days.<sup>1</sup> While the Protective Order

<sup>1</sup> Ambac already obtained an Acknowledgment and Agreement to Be Bound by the Protective Order from Mr. Bannon and his co-counsel, Thomas Hoeflinger, in connection with the Court’s April 21, 2023 order directing Ambac to serve on the Air Force a list of questions addressed to Ms. Kathleen Ferguson “along with any documents Ambac believes will refresh Ms. Ferguson’s recollection.” ECF No. 667; *see* ECF No. 690 (letter requesting permission to disclose Protected Materials to Kathleen Ferguson and Air Force counsel); ECF No. 691 (order granting letter request).